IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

CRP.No. 1838 of 2001()

OP.384/1999 of ADDL. DISTRICT COURT, THALASSERY
.....

REVN. PETITIONER:

THE KERALA STATE ELECTRICITY BOARD
REP. BY THE SECRETARY, KERALA STATE ELECTRICITY BOARD, THIRUVANANTHAPURAM

BY ADV. SRI.T.G.RAJENDRAN SC FOR K.S.E.B.

RESPONDENTS:
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1. V. NARAYANI, W/O. MUNGOLIAN GOVINDIAN NAIR

2. MANGATTIDAM P.O.
KUTHUPARAMBA (VIA)

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO: 3997/2001 IN
C.R.P. NO: 1838 OF 2001

DISMISSED:

12/12/2007 SD/- M.N.KRISHNAN, JUDGE

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P.A. TO JUDGE A

M.N. KRISHNAN, J.

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C.R.P. NO. 1838 OF 2001

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Dated this the 12th day of December, 2007.

O R D E R

This revision petition is preferred against the award of the Addl. District Judge, Thalassery in O.P.384/99 whereby the Court awarded an additional compensation of Rs.4,191/- with 8% interest on the sum of Rs.2,932/- from the date of award till payment. In case of failure to pay the amount within six months at the rate of 12% interest is ordered to be paid. The Court below considered the objection regarding the land value. The Commissioner suggested Rs.10,000/- per cent. The Court did not accept the same and fixed it at Rs. 1,500/- per cent. Similarly, the diminution of the land value was fixed at 20%. The Court found that it is possible for them to raise seasonal cultivation in the affected area and therefore fix the diminution of land value at 20%. So far as the value of the trees are concerned the Court took the annuity factor of 5%. The learned counsel would submit that in the light of the latest decision of the Apex Court reported in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1***) each case

has to be decided on the facts and circumstances of that case, adoption of 5% has to be interfered with. What the Apex Court has held is that each case has to be tried on the facts and circumstances of that case. The learned District Judge has taken into consideration the calculation statement, the trees cut and therefore it has followed the guidelines which cannot be said to be incorrect. Therefore, I do not find any merit in this revision and hence the C.R.P. is dismissed.

M.N. KRISHNAN, JUDGE.

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M.N. KRISHNAN, J.

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C.R.P. No. 1838 OF 2001

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O R D E R

12th December, 2007.